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Arizona Corporation Commission

BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

JUN 05 2002

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF
RAPTEL COMMUNICATIONS, LLC FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE COMPETITIVE
RESOLD INTEREXCHANGE
TELECOMMUNICATIONS SERVICES EXCEPT
LOCAL EXCHANGE SERVICES.

DOCKET NO. T-03928A-00-0686

DECISION NO. 64874

ORDER

Open Meeting
June 4 and 5, 2002
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. On September 11, 2000, RapTel Communications, LLC ("RapTel" or "Applicant") filed with the Commission an application for a Certificate of Convenience and Necessity ("Certificate") to provide competitive resold interexchange telecommunications services, except local exchange services, within the State of Arizona.

2. Applicant is a Minnesota corporation authorized to do business in Arizona since 2000.

3. Applicant is a switchless reseller, which proposed to purchase telecommunications services from various providers in Arizona.

4. On January 23, 2001, the Commission's Utilities Division Staff ("Staff") filed a Staff Report.

5. In the Staff Report, Staff recommended approval of RapTel's application, subject to certain conditions.

6. By Procedural Order dated June 7, 2001, the Commission set a deadline of July 27, 2001 for filing exceptions to the Staff Report, requesting that a hearing be set, or requesting

1 intervention by interested parties.

2 7. No exceptions were filed to the Staff Report, nor did any party request that a hearing
3 be set.

4 8. On March 5, 2001, the Applicant's representative, Telecom Certification & Filing,
5 Inc. ("TC&F"), filed a letter indicating that RapTel had changed its office and toll-free telephone
6 numbers. However, attempts to contact the Applicant at those numbers were unsuccessful because
7 the office number given for RapTel has been assigned to another customer and calls to the toll-free
8 number indicate that it is no longer a working number. No subsequent correspondence has been
9 received from the Applicant or TC&F.

10 9. Given the invalid numbers, several attempts were made by the Administrative Law
11 Judge to contact TC&F to ascertain RapTel's interest in pursuing this application. The TC&F
12 representative failed to return calls to the Administrative Law Judge, despite repeated assurances that
13 she would do so.

14 CONCLUSIONS OF LAW

15 1. Applicant is a public service corporation within the meaning of Article XV of the
16 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

17 2. The Commission has jurisdiction over Applicant and the subject matter of the
18 application.

19 3. Given the Applicant's failure to update the Commission concerning this application,
20 and its failure to return calls seeking information regarding the Applicant's status as an ongoing
21 concern, RapTel's application for authority to provide resold interexchange telecommunications
22 service shall be denied.

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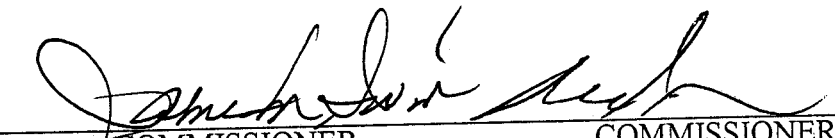
ORDER

IT IS THEREFORE ORDERED that the application of RapTel Communications, LLC. for a Certificate of Convenience and Necessity for authority to provide competitive resold interexchange telecommunications services, except local exchange services, shall be and the same is hereby denied.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

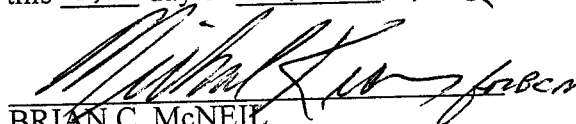
BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN


COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 5TH day of June, 2002


BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
DDN:dap

1 SERVICE LIST FOR: RAPTEL COMMUNICATIONS, LLC

2 DOCKET NO.: T-03878A-00-0317

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